

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on April 4, 2005, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Mel Kramer, Fred Ribich, Connie Rasmussen, Gary Grace, Cyndi Ecker, Gary Boorum and Tammy McKenzie. Absent: None

1. **Approve Agenda as Printed or Add Items for Discussion Only.**

Moved By: Ribich

Seconded By: Grace

That the agenda for this Council meeting as prepared is hereby approved.

Yes: 7

No: 0

Absent: 0

2. **Minutes.**

Moved By: Ecker

Seconded By: Grace

The March 21 and 28, 2005 Council Meeting Minutes are hereby approved.

Yes: 7

No: 0

Absent: 0

3. **Guest Councilperson.**

Tim Bradford will be the Guest Councilperson for April.

4. **Proclamation.**

Moved By: Boorum

Seconded By: McKenzie

The City proclaims Municipal Clerks Week May 1 through May 7, 2005.

Yes: 7

No: 0

Absent: 0

B. PUBLIC HEARINGS.

1. This was the date, time and place for a Public Hearing on an Easement Vacation for the Wal-Mart Supercenter. The Mayor called for any oral or written comments on said easement and there were none. The hearing was declared closed and the following action was taken.

Development agreement discussion:

Members of the audience voiced concerns with:

- a. Public not able to review Development Agreement before meeting
- b. Intersection at Technology Place and Oak Ridge Circle
- c. No clear picture of City costs for Highway 218 Business Improvements
- d. Traffic is bad for CUNA employees leaving work on Technology Place
- e. Wal-Mart Supercenter has accelerated the need for 218 Corridor Improvements
- f. Downtown empty storefronts
- g. Warning signals for decreased speed limits coming off 218 By-pass
- h. If the majority dislikes Wal-Mart why do they generate so much traffic
- i. If Wal-Mart moves does Blackhawk County get the increased tax base
- j. Bullied their way into Decorah
- k. 3 Super Wal-Mart stores within 17 miles of each other
- l. Cut back on other projects to improve the 218 Business Corridor for Wal-Mart
- m. What will happen to the old Wal-Mart building
- n. Table agreement until all kinks are worked out
- o. Close to off ramp of By-pass

- p. Did not hear about the Wal-Mart Supercenter Development until recently
 - q. Opposition to the site on 218 Business
- Administrator Crayne stated that Wal-Mart is paying for :
- a. Traffic control and intersection improvements on 29th Avenue
 - b. Water main and sanitary sewer improvements
 - c. sidewalks
 - d. storm water drainage

Wal-Mart will connect the public water main currently located on the east side of 4th Street SW to the water main improvements on the west side of 4th Street. This connection may alleviate Amerihost's water pressure problems. Teresa Burgess informed audience members that the IDOT will test storm water runoff impacts to neighboring property owners.

Administrator Crayne and City Engineer Cherry met with Rod Larsen and Mark Callahan earlier in the day to discuss the IDOT's participation in 218 Business corridor improvements. Said representatives advised the City to take the initiative and request at their August meeting here that IDOT conduct a 218 corridor study. Discussion followed on TIF bonding for said corridor improvements.

Teresa Burgess stated that Wal-Mart is already \$3,000,000 over budget on this project and will comply with the DOT's requests regarding intersection and right-of-way improvements for 29th Avenue, raised medians, signalization and the City's request for sidewalks.

Bruce Toenjes, Wal-Mart's legal counsel informed the Council that Wal-Mart has agreed to all the City's request except for \$200,000 for Technology Place and Oak Ridge Circle intersection improvements. Mr. Toenjes also stated that Wal-Mart does not oppose TIF.

Staff informed audience members that the sidewalks were programmed in the Super Wal-Mart plan as a continuation of the trail through Centennial Oaks.

The Council discussed if another company was building on the Wal-Mart site would the City require participation in costs for 218 Business improvements. Waverly's new Comprehensive Plan identifies commercial zoning all along the 218 Business corridor.

Teresa Burgess stated that the City has had a map of the Super Wal-Mart Development in the hallway at City Hall. The City has sent out mailings and it has also been in the newspaper. Ms. Burgess also informed the Council that she and Bruce Toenjes has asked Wal-Mart executives if they will participate in costs associated with intersection improvements at Technology Place and Oak Ridge Circle and they have refused.

Dean Soash also stated that the proposed site was as good as any other site in Waverly. Improvements would have to be made on 10th Avenue SW and Highway 218 north if development occurred in these areas.

Administrator Crayne again expressed that the 218 Business corridor is owned by the IDOT and that they should participate in any improvements. In 1992 the IDOT upgraded the 218 corridor and in 1996 Highway 3 East without City participation. Mr. Crayne stated that the City will have some cost sharing on any future 218 Business improvements. He was disappointed that Wal-Mart did not participate in all infrastructure costs but Wal-Mart is contributing \$1,000,000 to infrastructure improvements. If Wal-Mart does not relocate it will be up to the citizens of Waverly also to fund those improvements including those that Wal-Mart would have completed.

Moved By: Ribich

Seconded By: Grace

Resolution 05-57, A Resolution Approving a Development Agreement between the City of Waverly, Iowa and Wal-Mart Stores Inc. is hereby approved.

Yes: 4

No: 3(Ecker,Ribich,Rasmussen Absent: 0

Moved By: Grace

Seconded By: Boorum

Third Reading of Ordinance 840, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa Providing for Rezoning for the Wal-Mart Supercenter from C-2, Commercial District and A-1, Agricultural District to all C-2, Commercial District is hereby approved.

Yes: 4

No: 3(Ecker, Ribich, Rasmussen) Absent: 0

Moved By: Kramer

Seconded By: Grace

Resolution 05-58, A Resolution Approving the Minor Plat for Wal-Mart Supercenter is hereby approved.

Yes: 7

No: 0

Absent: 0

Moved By: Boorum

Seconded By: McKenzie

Resolution 05-59, A Resolution Authorizing an Easement Vacation for the Wal-Mart Supercenter is hereby approved.

Yes: 7

No: 0

Absent: 0

C. TABLED ITEMS.

D. VISITORS / PUBLIC COMMENTS.

E. CONSENT AGENDA.

1. Pay Request from Gardner Architecture in the amount of \$13,500.00 for the Waverly Fire Station.
2. Pay Request from McClure Engineering in the amount of \$870.00 for the 10th Avenue Watermain.
3. Pay Request from Gardner Architecture in the amount of \$1,800 for the Harlington Crypt Project.

Moved By: Rasmussen

Seconded By: Ribich

Items 1-3 on the Consent Agenda are hereby approved.

Yes: 7

No: 0

Absent: 0

